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ANITA FRAZIER

vs.

DEVRY EDUCATION GROUP INC

A 1603586

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Counsel for Plaintiff

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ANITA FRAZIER 6794 Emerald Street West Chester, OH 45069 Plaintiff, v. **DEVRY EDUCATION GROUP, INC.** 8800 Governor's Hill, Suite 100 Cincinnati, OH 45249 **c/o CT CORPORATION SYSTEM** 1300 East Ninth Street Cleveland, OH 44114 Defendant.	:	Case No.: ____________________ Judge ______________________ **COMPLAINT WITH JURY DEMAND ENDORSED HEREON**

Plaintiff Anita Frazier complaining of Defendant DeVry Education Group, Inc. states as follows:

PARTIES

1. Plaintiff Anita Frazier is a resident and citizen of the State of Ohio.

2. Defendant DeVry Education Group Inc. is a foreign corporation licensed to operate for-profit colleges in Ohio.

3. Defendant is an employer within the meaning of Ohio law.

JURISDICTION AND VENUE

4. This Court has jurisdiction, and venue is proper in Hamilton County, as the Defendant operates a for-profit college in Hamilton County, Ohio and the actions complained took place within Hamilton County, Ohio.

5. The amount in controversy exceeds the jurisdictional minimum for the Court of Common Pleas, Hamilton County, Ohio.

FACTUAL ALLEGATIONS

6. Plaintiff is a 55-year old African American female who became employed by the Defendant on March 1, 2010 as a Student Success Coach.

7. Defendant promoted Plaintiff to Student Finance Advisor in 2011. In 2012, Defendant changed Plaintiff's job title to Student Support Adviser. Plaintiff held this role until her unlawful termination on May 19, 2016.

8. Plaintiff was fully qualified for her position at all relevant times.

9. Plaintiff was a loyal and dedicated employee.

10. On July 23, 2014, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission. Plaintiff alleged that Campus Director Graham Irwin, a white male, had discriminated and retaliated against her because of her race, sex and age. The basis for Plaintiff's allegations was that Irwin had permitted a younger white employee to harass Plaintiff, and that Irwin retaliated against Plaintiff when she complained of the harassment by placing a letter of reprimand in her personnel file.

11. In December 2014, Graham Irwin was terminated from his employment with the Defendant.

12. In January 2015, Defendant hired Jeunet Davenport to replace Graham Irwin as Campus Director.

13. Davenport is a Caucasian female.

14. Davenport had supervisory authority over Plaintiff.

15. Upon information and belief, Defendant informed Davenport that Plaintiff had

filed an EEOC charge against Davenport's predecessor, Graham Irwin.

16. From the beginning of Davenport's employment, Davenport subjected Plaintiff to extreme scrutiny related to every aspect of her work performance as a way of harassing Plaintiff.

17. Davenport obsessively monitored Plaintiff's phone calls and phone status. DeVry expects employees in Plaintiff's role to keep their phones at "ready" status 60-79% of the time. However, Davenport did not tolerate Plaintiff's phone being in "not ready" status at any time. Nearly every time Plaintiff set her office phone to "not ready" status in order to handle a student matter, use the restroom, or attend a meeting, Davenport would immediately confront Plaintiff and demand an explanation.

18. Davenport also instructed Plaintiff's direct supervisor, Sara Mariotti, to observe Plaintiff's phone activity and confront Plaintiff each time her phone was set to "not ready" status.

19. Davenport continuously called Plaintiff into her office to accuse her of poor work performance and to demand that Plaintiff account for her time in increments as small as a few minutes.

20. Davenport had supervisory authority over Ashley Seeds and Rachelle Williams, who had the same job duties as Plaintiff. Ashley Seeds is a Caucasian female who is approximately 28 years old. Rachelle Williams is a Caucasian female who is approximately 30 years old. Davenport did not subject Seeds or Williams to scrutiny regarding their work performance or phone status.

21. In June 2015, Davenport called Plaintiff to her office and asked Plaintiff to explain why Graham Irwin was terminated. Davenport said "I know it was something about a letter he gave you that got him." Plaintiff said that as far as she knew Graham Irwin had retired.

22. On or about January 14, 2016, Davenport again called Plaintiff into her office.

Davenport asked Plaintiff if she had told Admissions Director Bobbie Bean about the July 2014 EEOC charge. Davenport accused Plaintiff of threatening to have Bobbie Bean terminated like Graham Irwin was terminated. In fact, Plaintiff had never spoken with Bobbie Bean about the July 2014 EEOC Charge or Graham Irwin's termination.

23. On March 14, 2016, Plaintiff filed another Charge of Discrimination with the EEOC and the Ohio Civil Rights Commission. Plaintiff alleged that Davenport was retaliating against her for the July 2014 EEOC charge and discriminating against her because of her race, sex, and age.

24. On March 15, 2016, Plaintiff filed a complaint with DeVry human resources representative Greg Berniard, alleging that Davenport was harassing Plaintiff and retaliating against her.

25. Following Plaintiff's filing of the second EEOC charge and the human resources complaint, Davenport told Sara Mariotti to fire Plaintiff. Mariotti told Davenport that doing so would constitute unlawful retaliation and that she had no cause to terminate Plaintiff's employment. Davenport threatened to terminate Mariotti's employment if she did not fire Plaintiff. Mariotti reported this to human resources representative Patty Urban, who told Mariotti, "Just get it done, just fire her."

26. On May 4, 2016, Davenport and Bobbie Bean demanded that Plaintiff turn over one of her student's files to them. Plaintiff declined to do so, because the file contained confidential student finance information that she believed Davenport and Bean were not permitted to see. In response to harassment from Davenport and Bean related to the student file, Plaintiff filed a complaint with human resources.

27. Later on May 4, 2016, human resources representative Douglas Offutt contacted

Plaintiff at the request of Davenport and human resources representative Patty Urban. Offutt asked to speak to Plaintiff on an unrecorded line. Plaintiff gave Offutt permission to call her on her personal cell phone.

28. Once on the unrecorded line, instead of listening to Plaintiff's claims, Offutt berated Plaintiff and told her to comply with Davenport and Bean's demands. Plaintiff asked to have her attorney join the call, but Offutt refused. Following the call, Plaintiff gave Davenport and Bean the file.

29. On May 11, 2016, Defendant fired Sara Mariotti. Upon information and belief, Defendant terminated Mariotti for refusing to fire Plaintiff.

30. On May 19, 2016, Associate Director of Career Services Christine Olsen requested that Plaintiff come to her office. Plaintiff complied. When Plaintiff arrived in Olsen's office, Olsen called Douglas Offut on speakerphone. Offutt told Plaintiff that her claims of harassment on May 4, 2016 were unsubstantiated based upon his investigation. He then terminated Plaintiff because her telephone was in "not ready" status from 4:30-6:00 pm on May 3, 2016, and because she initially declined to give the file to Davenport on May 4, 2016.

COUNT I

Race Discrimination – R.C. Chapter 4112

31. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

32. Plaintiff is African American.

33. Plaintiff was fully qualified for her position at all relevant times.

34. Defendant's acts in discriminating against Plaintiff include, but are not limited to, treating her differently than similarly-situated white employees and terminating her employment

because of her race in violation of Ohio Revised Code Chapter 4112.

35. Defendant's actions were intentional, willful, wanton, malicious, and in conscious disregard for Plaintiff's rights.

36. As a direct and proximate result of Defendant's unlawful discriminatory conduct, Plaintiff has been injured and is entitled to damages pursuant to R.C. § 4112.99.

COUNT II

Age Discrimination– R.C. Chapter 4112

37. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

38. Plaintiff was over the age of 40 and qualified for her position at all relevant times.

39. Defendant discriminated against Plaintiff by treating her differently than significantly younger, less qualified employees in violation of Ohio Revised Code Chapter 4112.

40. Defendant discriminated against Plaintiff by terminating her employment on account of her age in violation of Ohio Revised Code Chapter 4112.

41. Defendant's actions were intentional, willful, wanton, malicious, and in conscious disregard for Plaintiff's rights.

42. As a direct and proximate result of Defendant's unlawful discriminatory conduct, Plaintiff has been injured and is entitled to damages pursuant to R.C. § 4112.99.

COUNT III

Retaliation – R.C. Chapter 4112

43. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

44. Plaintiff engaged in protected activity by filing charges of discrimination with the Equal Employment Opportunity Commission and the Ohio Civil Rights Commission.

45. Defendant terminated Plaintiff without cause.

46. Defendant terminated Plaintiff's employment because she engaged in activity protected by Ohio Revised Code Chapter 4112.

47. Defendant's actions were intentional, willful, wanton, malicious, and in conscious disregard for Plaintiff's rights.

48. As a direct and proximate result of Defendant's unlawful discriminatory conduct, Plaintiff has been injured and is entitled to damages pursuant to R.C. § 4112.99.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

(a) That Defendant be enjoined from further unlawful conduct as described in the Complaint;

(b) That Plaintiff be reinstated to her employment effective May 19, 2016;

(c) That Plaintiff be awarded all lost pay and benefits;

(d) That Plaintiff be awarded compensatory damages including emotional distress;

(e) That Plaintiff be awarded liquidated damages;

(f) That Plaintiff be awarded punitive damages;

(g) That Plaintiff be compensated for adverse tax consequences of receiving a lump sum rather than compensation over several separate tax years;

(h) That Plaintiff be reasonable attorney's fees and costs; and

(i) That Plaintiff be awarded all other legal and equitable relief to which she may be entitled.

Respectfully submitted,

/s/ George M. Reul, Jr.

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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ George M. Reul, Jr.